

**MINUTES OF THE**  
**NATIONAL OFFSHORE SAFETY ADVISORY COMMITTEE**

**MEETING HELD APRIL 20, 2000**

A meeting of the National Offshore Safety Advisory Committee (NOSAC) was held on April 20, 2000 at the Department of Transportation Nassif Building. The meeting began at 9:00 a.m. The meeting was videotaped for the permanent record. The meeting was announced in the Federal Register on Thursday, March 23, 2000 (FR Volume 65, Number 57).

Representing the Coast Guard (USCG) were RADM Robert North, CAPT Peter Richardson, Executive Director of NOSAC, James Magill, Assistant to the Executive Director, and LT Diane Kalina.

The following Committee members were present:

Mr. Robert Alario	Mrs. Wanda Parker
Mr. Chuck Bedell	Mr. Don Ray
Ms. Joan M. Bondareff	Mr. John Ryan, III
Ms. Nicki Candies	Dr. Ross Saxon
Mr. Kenneth Dawson	Mr. Bernie Stewart
Mr. Paul Liberato	Mr. Mark Witten
Mr. Philip Nuss	

The following Committee member was absent:

Mr. Ned Stevenson

**OPENING REMARKS**

Chairman Ryan opened the meeting with a few remarks concerning the state of the offshore industry. He then had everyone in the Committee and audience introduce themselves. He went over the meeting agenda and the general guidelines for the meeting. He commented that the last 4 months in the offshore industry had been hectic and the business environment had improved slightly. He displayed transparencies to illustrate the increase in price of crude oil and gas. He discussed the mobile rig count in the Gulf of Mexico (GOM) and the influx of new rigs. He recapped the 3 key points of the NOSAC charter: safety, cooperative partnership, and continuous improvement. He discussed the due process of commenting on issues during the meeting.

RADM North gave his opening remarks next. He mentioned that the Committee finally has a full membership. He recapped comments the Commandant had made recently to the National Ocean Industries Association regarding leadership, innovation, cooperation and trust. The

Minerals Management Service (MMS) is taking the lead on an assessment to determine the prevention and response capabilities in offshore activities of the future. He looks forward to working with the public to continue building trust. He encouraged everyone to participate in the comment process for Subchapter N. He mentioned the task statement on Coast Guard roles and missions that Chairman Ryan had been given. He briefly discussed it and mentioned that it is a strong endorsement for the future of the Coast Guard.

CAPT Richardson gave his opening remarks next. He announced that all the membership slates were filled and approved for the first time in 4 years. The Coast Guard is now seeking applicants for 4 positions expiring in January 2001. Applications should be submitted by July 30, 2000. The application forms are on the federal advisory web page. He discussed the final rule on safety zones and explained that it would be in effect by May 1, 2001. A NOSAC subcommittee helped to develop this rule but it does not apply to Offshore Supply Vessels (OSVs). He said that there are four categories of activities involving crew alertness: Ongoing activities; IMO activities; crew alertness initiative; and crew alertness campaign. There are 2 projects at Coast Guard R&D Center that are intended to bridge the gap between scientific theory and practical avocation of crew and management techniques. The two current projects are "Improving Crew Alertness on Commercial Vessels", with a completion deadline of the Fall of 2000, and "Watch Standing Alertness on Towing Vessels", with a completion deadline of the Fall of 2001. A future project entitled "Fatigue Countermeasures Analysis" is expected to be complete in the Fall of 2004. These are the PTP approach initiatives. The American Waterways Operators, in its partnership with the Coast Guard, is developing a brochure on crew alertness. The Coast Guard has solicited advisory groups for input and guidance on who needs what type of information and how we can get it out to them. At the International Maritime Organization, a fatigue correspondence group was formed in May 1999. The Coast Guard plans to implement crew alertness in two steps: 1. Crew Alertness Initiative to coordinate and plan ongoing and future efforts, and 2. Crew Alertness Campaign which involves disseminating education material.

Chairman Ryan recognized former NOSAC member Mr. Paul Kelly for being selected IADC Contractor of the Year.

## **SUBCOMMITTEE REPORTS**

**USCG/OMSA Task Force on Development and Implementation of STCW Convention for OSVs:** Mr. Robert Alario gave the report for this task force. As of April 20, 2000, the joint committee of the Coast Guard and industry have gained approval from the Coast Guard on all licenses required and subsidiary qualifications required to present and provide a career path for individuals who choose a career in the offshore industry. He displayed transparencies that described the OSV domestic licensing system. A candidate for any of these licenses will be able to move forward in their career as they would have in the traditional licensing structure. Existing license holders are fully protected. OSV license does not commit a person to operate vessels that do not fall under 46 C.F.R. Subchapter L. This process takes care of 90% of the people and equipment in this industry. We want to develop a set of rules sufficient to meet the requirements of STCW for international operations, near coastal and oceans. The next step that OMSA and

the Coast Guard task force want to accomplish is to develop rules for broader license requirements for non-Subchapter L vessels.

**Prevention Through People (PTP) Subcommittee:** Mr. Don Ray gave the report for this subcommittee. He mentioned that he sent out solicitations for Committee members to serve on this subcommittee and to offer topics or ideas for the subcommittee to consider. He asked that if you do not have time to serve on the subcommittee, please submit your comments anyway.

Mr. Alario commented that he has prepared a document for this subcommittee.

**IMO/ISO Issues Subcommittee:** Mr. Bernie Stewart gave a report for this subcommittee. He first mentioned that the International Seabed Authority granted an observer status to the IADC as a nongovernmental organization. He discussed the recent IMO meeting of their 21<sup>st</sup> Assembly. Topics included adoption of Resolution A.891 – Training of personnel on MODUs; Resolution A884 - Amendments to the Code for the investigations of marine casualties and incidents; and Resolution A.895 on antifouling systems used on ships. The IMO noted that the Marine Environmental Protection Committee (MEPC) considered the need to develop environmental best practices guidelines in offshore oil and gas activities.

CAPT Richardson said that Mr. Alan Spackman (IADC) sent an email requesting information on how the MODU “Mobile 15” casualty ended up in an IMO document summarizing casualties, without IADC being aware of it. At this juncture, Capt Richardson is unaware of how the summary showed up at IMO, but will have G-MOA staff look into the issue and report their findings to Mr. Stewart and Mr. Spackman.

Mr. Bud Danenberger from MMS was concerned on some of the improper terminology used in the summary.

**Incident Reporting Subcommittee:** Mr. Mark Witten, with support from Mr. Bud Danenberger of MMS and LT Brian Penoyer of G-MOA, gave the report for this subcommittee. He mentioned the two recommendations given in the Fall meeting in November 1999: a model for a process that required single agency reporting; and alternate reporting methods. They recommended that both agencies address cycle time in providing feed back to get information out to industry.

Mr. Danenberger gave a brief report on MMS’s involvement in this project. They have a draft of a rule expected to be published this summer. He would like any comments but would like them to be prescriptive. They will also consolidate MMS and Coast Guard requirements into a single table. They do not have a system in place to report to one agency because of statutory mandates. He said that they need to make optimal use of the data being collected for a trend analysis.

RADM North asked if electronic reports were being contemplated?

Mr. Danenberger said there will be electronic reports and described the system. He also stated that they are working on making information available to the public.

RADM North asked about the new reporting scheme and the current one and how the form CG 2692 becomes available to the public?

LT Penoyer said their goal is to make information on these forms available without having to go through the Freedom Of Information Act. He discussed how Coast Guard investigator reports are not allowable in civil court, and this includes the CG 2692. He then discussed public concerns over 2 issues: duplicative reporting and reporting criteria. The new rule will not affect the present Coast Guard reporting requirements. The Coast Guard will have an alternate means of reporting via electronic means on MMS's web site (when it is up and running).

Ms. Bondareff suggested that the Committee members be given, or make publicly available, the Chief Council's opinion on how the Coast Guard's accident reports are barred in legal proceedings. (Note: This information is found in 46 U.S.C. 6308 – Information barred in legal proceedings. The Coast Guard is writing an opinion on how to interpret 46 U.S.C. 6308, but this is not yet complete.)

RADM North said that the goal of this project is to minimize duplicative reporting.

LT Penoyer said that the Coast Guard has suffered from a lack of publicity on availability of safety alerts.

Mr. Alario requested that an executive summary listing the objectives of the project be prepared for the Committee.

RADM North suggested creating a draft timeline to show the interrelationship between the issues.

**Platform/Ship Collision Avoidance Subcommittee:** Ms. Nicki Candies recommended standing down the subcommittee because they are finished with their work.

Mr. Danenberger commented that MMS is still seeing about 10 collisions with platforms per year. Since 1995, MMS had been collecting data on locations of these collisions. MMS is still very much concerned about this problem.

Chairman Ryan took a vote of the Committee. It resulted in an unanimous agreement to stand down the subcommittee. He thanked all who worked on this issue.

**Pipeline-free Anchorages Subcommittee:** Chairman Ryan reported that Ms. Patricia Clark, past Committee member and joint subcommittee chairperson, is addressing lightering areas offshore and how the companies apply for the lightering areas. She is trying to obtain digitized maps with MMS and different states. She will have the report at the next meeting in November.

## **OTHER BUSINESS**

**Subchapter N Status Report:** Mr. James Magill gave a report on the status of this rulemaking project. He reported that the comment period would be extended until July 5, 2000 because of

requests for extension. There are 30 comment letters presently on the docket. He encouraged everyone to submit comments on the substance of the rule and the use of plain language. He estimates publication of the final rule in March 2001.

**Subchapter L Status Report and Supplementary Rulemaking:** Mr. Magill gave a brief overview of the history of Subchapter L. He said that the Coast Guard will review all written and verbal comments. Comments can be viewed on the Docket Management System, Coast Guard Docket No. 5951.

**USCG/MMS Memorandum of Understanding:** Mr. Greg Gould of MMS gave an overview of how the agencies got to where they are today. He then spoke about the implementation plan published in April 2000. As part of this plan, they are taking the timetable in the MOU and trying to match it to the Coast Guard and MMS regulations. They hope to have a proposed rule published in Fall 2000. Training needs will need to be identified and a training program and public information exchange will be started in Winter 2001.

LCDR Russell Proctor spoke on the coordination of efforts on safety and environmental management program (SEMP) and PTP among the two agencies.

Mr. Gould said that they hope to have by the end of this Spring a summary paper on what the two agencies' review of the SEMP program looks like. He next spoke on incident investigation and reporting. The Coast Guard 8<sup>th</sup> District and MMS are developing a memo on who does what during investigations. He also spoke about the status of ongoing research efforts. One member expressed the concern that Subchapter N has some statutory issues that need to be developed, clarified and pursued. They are delicate areas for industry and the Committee needs to be precise about the points of contact.

## **NEW DISCUSSION ITEMS AND TASKS**

**Task Statement to establish Subcommittee on Coast Guard Deepwater Activities:** Mr. Chuck Bedell gave a brief on this issue. It was agreed that the subcommittee should look at deepwater and shelf activities and see what activities are different between the two and are under Coast Guard jurisdiction. Their research would not include any that MMS had already conducted. They want to determine how these activities might be affected and where they would want to go with them.

Chairman Ryan made a motion to establish a subcommittee with Mr. Bedell as the chairman. The motion was seconded and carried. Chairman Ryan then asked for volunteers.

**12-Hour Manning Rule on OSVs; Training of Licensed OSV Engineers; and Manning and Fatigue Issues on OSVs: 12-hour Manning Rule:** Mr. Bill Beacom, a consultant, stated that the 12-hour rule is a convoluted rule and people do not understand it. He said that CGHQ has promised a clarification of the rule. He informed the Committee that logbooks on OSVs are often taken off the vessel or lost, and enforcement officials cannot check them for compliance

with the rule. He suggested that NOSAC look into the fact that working mariners' personal logbooks could be used for enforcement of the 12-hour rule.

Mr. Alario suggested that companies that keep logbooks retain them and that education and enforcement of the rules are already occurring. He asked if there was any evidence available to show the 12-hour rule wasn't being enforced? Mr. Beacom responded no, because the mariner isn't protected from reporting.

Ms. Bondareff was interested in seeing what the Coast Guard's response is to enforcement of the 12-hour rule. She recommended this issue be dealt with through the PTP subcommittee and volunteered to participate.

Mr. Alario suggested that this Committee should not be responsible for moving on every allegation of irregularity unless the issue is properly researched and evidence is submitted.

Mr. Richard Block of GCMA read from a report recently presented to the International Transport Federation (ITF) on the abuse of the 12-hour rule. Many of the members of ITF thought that these were very serious problems. He requested that a subcommittee be formed to address these issues. Also he recommended everyone read the "Guidelines for the Safe Management and Operation of Offshore Support Vessels."

Mr. Ken Dawson stated that relief personnel should receive effective training, as OMSA suggested. An onboard assessment program is a good way to train people. The crew has to work together and the problem will not stop until people work together and receive effective training

Several comments from the public indicated anecdotally that the 12-hour rule is not currently being enforced, but should be. Mr. Alario made a motion that the Committee is in favor of having the law enforced. Mr. Don Ray seconded the motion.

RADM North made closing remarks and asked the PTP subcommittee to consider the development of a task statement on the 12-hour rule issue. He advised the Committee that he had promised to the Towing Safety Advisory Committee a clarification on the 12-hour rule which he fully intends to share with NOSAC and other forums.

Chairman Ryan summarized the discussions on the following issues and solicited recommendations on whether and how the Committee would consider the issues:

1. Fatigue
2. 12-hour rule
3. OSV training

He asked the Committee if they considered OSV training as a NOSAC issue or a Merchant Marine Personnel Advisory Committee (MERPAC) issue?

Mr. Don Ray proposed that issues on OSV training should be identified by NOSAC and communicated to MERPAC for action. The Committee supported this proposal.

Regarding the 12-hour rule, two members expressed the opinion that there was insufficient justification for the PTP subcommittee to consider this issue. However, a motion was made and seconded to have the PTP subcommittee address fatigue, the 12-hour rule and OSV training to the extent that it implicates safety. As its first assignment, it was proposed that the subcommittee should develop, in conjunction with the Coast Guard, an appropriate tasking statement. Chairman Ryan asked for votes on the motion and found all in favor. Mr. Magill was identified as the Coast Guard point of contact.

Chairman Ryan recommended establishing a clear liaison between NOSAC and the other federal advisory committees, because of cross-over issues. We could exchange copies of minutes so that we can communicate better.

**Air Emission Legislation from IMO:** Mr. Phil Nuss discussed the IMO regulations for diesel engines over 130 Kw that, although not ratified, will be retroactive through 1/1/00. He also discussed the EPA final rule on air emissions which became effective on 2/28/00. The rule has two tiers: tier one – NOx emission levels, and tier two – NOx particulate matter. EPA expects a 13 percent reduction in NOx emissions by 2010.

**Dual Certification of Vessels to Subchapters I and L:** Mr. Phil Nuss asked that the Coast Guard issue a policy letter to establish guidelines for manning and to resolve smaller issues. The terms for dual certification of a vessel have features that can allow it to operate under Subchapter I or T as well as L. The intent of the industry is that the requirement under I or T would control, using the highest standard for construction, design, manning, and operation. While it may be built to operate across the board, it will operate without any deficiency or denigration of the integrity of the vessel in terms of design and construction, manning and operations.

**Vice Chairman:** The Committee elected Mr. Bernie Stuart to the position of Vice Chairman.

## **PUBLIC COMMENT**

**“Subchapter “N”:** Mr. Robert Douville of Trico Marine Operators commented on the Coast Guard’s proposed revisions to 33 CFR Subchapter N. He discussed the inclusion of vessels, such as supply boats, crew boats, derrick barges, etc., in the proposed rule, that are not presently covered by existing rules. He claimed that the proposed definition of an OCS unit would include these vessels in the proposed part 142 - Workplace Safety and Health (WSH). He urged the Committee to take up this matter and give advice to the Coast Guard on this major regulatory proposal.

Mr. Block stated that he has doubts about the injury/death figures published in the Coast Guard’s Performance Plan. The injury experience on other types of commercial vessels and towing vessels are more serious than reported. The GCMA has been working to put together their own report. He stated that the Coast Guard’s figures do not match what GCMA has found working through the judicial system in the coastal parishes of Louisiana and Texas. He’s had difficulties obtaining some accident reports and is not certain that all accidents are reported. He complained

about the Coast Guard's partnering policy; that they only partner with big organizations and not with the working mariners. He also addressed the lack of inspection of workplace safety and health regulations on uninspected vessels.

Mr. Bedell commented on Coast Guard jurisdiction over vessels under the Outer Continental Shelf (OCS) Lands Act. The Coast Guard was given jurisdiction and is not obligated to take OSHA regulations and apply them to the OCS. OSHA itself cannot apply regulations that are outside the general duty clause in their regulations. OSHA regulations were developed to apply to a particular industry and they cannot apply to offshore activities.

Mr. Alario requested that the Committee consider asking the Coast Guard to extend the comment period for the NPRM. The industry groups' comments on the NPRM have no objection to the safety issues that have been raised in the NPRM. It is important to the industry groups that the vessels fall under the WSH safety regulations in 46 Code of Federal Regulations and not have regulations interrelated with OSHA, or Title 33.

Mr. Larry Francois of Tidewater, Inc. presented the company's comments on Subchapter N. They feel the proposed regulations on workplace safety and health are unnecessary, confusing and duplicative of successful existing rules. They question whether vessels engaged in OCS work can be considered as OCS units under the OCS Lands Act. He urged the Coast Guard to drop vessels from the OCS regulations.

Mr. James Umberger, CAPT, USCG Retired, of Tidewater, Inc. expounded upon Mr. Francois's comments. He stated that the vessel workplace safety and health rules should not be hidden under an OSHA blanket. The proposed rules appear to be written in the manner that OSHA regulations are written which will require a new course of litigation in the industry. He commented that the way regulations are written, uninspected towboats seem to fall under the definition of OCS unit when operating on the OCS. This will cause a lot of confusion.

Mr. Alario motioned to have the Committee vote on a request for an extension of the Subchapter N comment period. Mr. Danenberger said that the comment period should not be extended unduly because the government has business to do writing regulations. However, the motion was seconded and the motion was carried, i.e., proposal that Mr. Alario would prepare a letter on behalf of the Committee requesting the Coast Guard to extend the comment period on Subchapter "N" NPRM.

## **NEXT MEETING/ADMINISTRATIVE ITEMS**

**Should NOSAC Meeting be Two Days?** Some discussion took place on this item, and a motion was made that the NOSAC meetings stay as they are as one day. The motion was seconded and carried.

**Date/Location for Next Meeting :** The next NOSAC meeting is scheduled for November 2, 2000, somewhere in the Gulf of Mexico area. The location to be announced as soon as it becomes available.



**Summary of Action Items:**

<b><u>ITEM</u></b>	<b><u>BY</u></b>	<b><u>WHEN</u></b>
1. Prepare Executive summary listing objectives of Incident Reporting Subcommittee	Lt Brian Penoyer	7/1/00
2. Create draft timeline to show inter-relationship between items in Incident Reporting issues	LT Brian Penoyer	7/1/00
3. Make available to Committee members Coast Guard Chief Council's opinion on how to interpret 46 U.S.C. 6308 – Accident Reports barred in legal proceedings	Jim Magill	When opinion is written and available
4. Prepare a Task Statement on "Crew Fatigue including the 12-hour rule" for consideration by the Prevention Through People Subcommittee	Mr. Ray and Jim Magill	11/2/00

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Peter Richardson, CAPT, USCG  
Executive Director

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Mr. John Ryan, III  
Chairman